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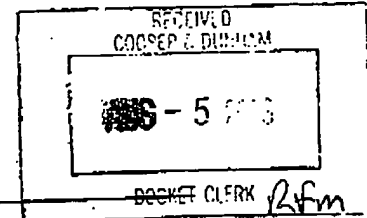
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UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

DONALD S DOWDEN  
COOPER & DUNHAM  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

Appeal No: 2007-4289  
 Appellant: DAVID G. BIRD  
 Application No: 08/862,039  
 Hearing Room: D  
 Hearing Docket: B  
 Hearing Date: Wednesday, September 17, 2008  
 Hearing Time: 02:00 PM  
 Location: Madison Building - East Wing  
 600 Dulany Street, 9th Floor  
 Alexandria, Virginia 22313-1450

HEARING 9-17-08  
 HEARING WAIVED DUE 8-19-08

### NOTICE OF HEARING CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

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In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ( ) HEARING ATTENDANCE CONFIRMED

X HEARING ATTENDANCE WAIVED

*William E. Pelton*  
 Signature of Attorney/Agent/Appellant

8/06/08  
 Date

25,702  
 Registration No.

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
[http://www.uspto.gov/web/offices/dcom/counsel/contact.htm#bpa\\_contacts](http://www.uspto.gov/web/offices/dcom/counsel/contact.htm#bpa_contacts)